

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

_____)	
ANTHONY DACRE,)	
Plaintiff)	
)	Civil Action
V.)	
)	No. 03-12269-RCL
WHITE WATER SEAFOOD CORP.,)	
Defendant)	
_____)	

PLAINTIFF'S MOTION IN LIMINE
REGARDING COLLATERAL SOURCE BENEFITS

Now comes the Plaintiff, by and through his attorneys, and states as follows:

1. The Plaintiff testified at deposition that he has been receiving social security benefits.
2. Such benefits constitute collateral source benefits. See Tipton v. Socony Mobil Oil Company, 375 U.S. 34, 84 S.Ct. 1 (1963); Eichel v. New York Central Railroad Co., 375 U.S. 253, 84 S.Ct. 316 (1963).
3. The jury may not be made aware of any collateral source benefits because such evidence "involves a substantial likelihood of prejudicial impact," Eichel, 375 U.S. at 255, 84 S.Ct. at 317; Fed. R. Evid. 403, and the admission of such evidence has been unequivocally held to constitute reversible error. Tipton, 375 U.S. at 37, 84 S.Ct. at 3; Eichel, supra.

WHEREFORE, the Plaintiff respectfully requests that the Defendant, its witnesses and its counsel be barred from mentioning, referring to, offering any evidence on, or from questioning any witness as to any collateral source benefits received by or applied for by the Plaintiff.

Respectfully submitted for the
the Plaintiff, Anthony Dacre,
by his attorney,

/s/ David J. Berg
David J. Berg, Esq.
Latti & Anderson LLP
30-31 Union Wharf
Boston, MA 02109
617-523-1000

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the within document with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to the following: Joseph A. Regan, Esq.

/s/ David J. Berg
David J. Berg, Esq.
Latti & Anderson LLP
30-31 Union Wharf
Boston, MA 02109
617-523-1000

Dated: February 7, 2005